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Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and City of Dermott Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and City of Dermott entered into a February 26th Consent Administrative Order ("CAO") addressing alleged violations of the Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit. See LIS No. 25-018.

Dermott is stated to operate a municipal wastewater treatment facility in Chicot County, Arkansas.

The facility is stated to discharge treated wastewater to Bayou Bartholomew which eventually flows into the Ouachita River Basin. Such discharge is regulated pursuant to an NPDES Permit.

DEQ is stated to have conducted a routine inspection of the facility on February 10, 2022, and documented the following conditions that are stated to constitute violations:

1. The forced air operators in Ponds 1 and 2 were not operational.
2. There was excessive vegetation on the aerator lines and around the banks of the two, parallel influent ponds.
3. Chlorine dosing equipment was not operating correctly at the time of inspection.
4. The minimum freeboard for the sedimentation basin was less than 2 ft.
5. The top width of the embankment of the east levee of the sedimentation basin is less than 8 ft. wide.

DEQ is also stated to have determined that the facility's wastewater operator allowed his Class II municipal wastewater operator license to expire, violating the NPDES Permit. The operator renewed his license and it is now current until June 30, 2025.

DEQ is stated to have conducted a review of Discharge Monitoring Reports ("DMRs") on June 10, 2024, and identified the following violations of the effluent discharge limits:

1. Fifteen (15) violations of Total Residual Chlorine;
2. Seven (7) violations of Dissolved Oxygen;
3. Four (4) violations of Fecal Coliform Bacteria;
4. Four (4) violation of Total Dissolved Solids;
5. One (1) violations of Ammonia Nitrogen; and
6. One (1) violation of pH.

The review of the DMRs is also stated to have indicated that there was a failure to submit on-Compliance Reports (“NCRs”) for effluent violations reported during the following eight monitoring periods. Further, the review of the DMRs is stated to have indicated that the facility failed to submit DMRs by the due date for 23 monitoring periods.

Finally, the review is also stated to have determined that the facility failed to conduct analysis for a monitoring period for the 002-A Outfall for Total Sulphate on December 31, 2022, and for the 002-Y Outfall for Total Recoverable Mercury.

The CAO requires that within 30 calendar days of its effective date that Dermott submit to DEQ for review and approval a comprehensive Corrective Action Plan (“CAP”) developed by a Professional Engineer licensed in the state of Arkansas. The CAP shall include, at minimum, the methods and best available technologies that will be used to correct the alleged violations and prevent future 'violations. The CAP will also be required to identify a system that will be implemented to ensure that all reporting requirements set forth in the Permit are met. A milestone schedule is required.

Quarterly progress reports must be submitted.

In addition, Dermott is required to:

- Submit all DMRs.
- Submit NCRs.
- Sample the effluent as discussed in the previous section of the CAO.

the facility must also submit an adequate response with photographs, to the inspection referenced in the Findings of Fact in Paragraph 10.

A civil penalty of \$9,750.00 is assessed, of which \$4,875.00 is conditionally suspended if Dermott fully complies with the CAO.

A copy of the CAO can be downloaded [here](#).